

To: Steckel, Andrew[Steckel.Andrew@epa.gov]; LEVIN, NANCY[Levin.Nancy@epa.gov]
From: McKaughan, Colleen
Sent: Tue 6/13/2017 9:04:07 PM
Subject: RE: Information for Monthly Meeting with ADEQ

Ex. 5 - Deliberative Process

From: Steckel, Andrew
Sent: Tuesday, June 13, 2017 1:57 PM
To: McKaughan, Colleen <McKaughan.Colleen@epa.gov>; LEVIN, NANCY <Levin.Nancy@epa.gov>
Subject: RE: Information for Monthly Meeting with ADEQ

Do we need any paper? I believe this meeting is because ADEQ is upset by the letter we sent and Matt may need to discuss it at the upcoming Misael call with senior staff. I think Colleen's email below covers most of it, but maybe also bring the briefing paper we had prepared for Colleen? Or maybe should we put together a few talking points for Matt?

From: McKaughan, Colleen
Sent: Tuesday, June 13, 2017 1:54 PM
To: Steckel, Andrew <Steckel.Andrew@epa.gov>; LEVIN, NANCY <Levin.Nancy@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>
Subject: RE: Information for Monthly Meeting with ADEQ

Yes, you are correct. It's only for the Ag BMP issue. For the other issues, I was just supposed to write something up.

From: Steckel, Andrew
Sent: Tuesday, June 13, 2017 1:53 PM
To: LEVIN, NANCY <Levin.Nancy@epa.gov>; McKaughan, Colleen <McKaughan.Colleen@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>

Subject: RE: Information for Monthly Meeting with ADEQ

Shoot, I was supposed to help set up the meeting, but I understood it was only for AgBMP. I'll ask Ceciley now.

From: LEVIN, NANCY

Sent: Tuesday, June 13, 2017 1:47 PM

To: McKaughan, Colleen <McKaughan.Colleen@epa.gov>; Steckel, Andrew <Steckel.Andrew@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>

Subject: RE: Information for Monthly Meeting with ADEQ

That looks great for AgBMP. Ceciley would need to set up the meeting since she sees all the manager's calendars. Shall I ask her?

Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

From: McKaughan, Colleen

Sent: Tuesday, June 13, 2017 1:11 PM

To: LEVIN, NANCY <Levin.Nancy@epa.gov>; Steckel, Andrew <Steckel.Andrew@epa.gov>

Subject: RE: Information for Monthly Meeting with ADEQ

Also, am I supposed to ask Ceciley to set up our discussion with Elizabeth?

From: LEVIN, NANCY

Sent: Tuesday, June 13, 2017 12:47 PM

To: McKaughan, Colleen <McKaughan.Colleen@epa.gov>; Steckel, Andrew <Steckel.Andrew@epa.gov>

Subject: RE: Information for Monthly Meeting with ADEQ

For AgBMP – Looks good except the sentence “*The federally approved AG BMP program is focused on crop activities*” seems out of place in the middle of the paragraph on May 11 letter. Maybe put in a parenthetical not that earlier this year approved rules relating to crop activities and irrigation districts into the SIP.

Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

From: McKaughan, Colleen

Sent: Tuesday, June 13, 2017 12:30 PM

To: Chen, Eugene <Chen.Eugene@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Steckel, Andrew <Steckel.Andrew@epa.gov>; LEVIN, NANCY <Levin.Nancy@epa.gov>

Subject: Information for Monthly Meeting with ADEQ

Importance: High

Elizabeth and Matt asked for an update on three topics for ADEQ next Monday. Here is what I prepared. Can you review and edit? Thanks!

Colleen

Hi, Elizabeth and Matt,

You mentioned three topics for the discussion with ADEQ next Monday – Hickman Egg, the Ag BMP comment letter, and the Title VI complaint. We are planning to meet with you before you leave on vacation on the Ag BMP comment letter. Here are the updates on the three topics:

●■■■■■■■■ **Hickman Egg** - On May 26th, Maricopa County sent a formal response to the Maricopa County Air Pollution Hearing Board regarding the emissions at Hickman and whether they are fugitive or not. The County did an extensive analysis and determined that the source is minor. They determined that most of the emissions are fugitive because they don't go through a stack, chimney or vent. We had communicated to Maricopa County that we do not agree with their position and suggested that, at a minimum, they try to require the same controls as the Hickman facility in SJV. The County is considering that option.

The Region has received a FOIA request for “any and all information in regards to Hickman’s Egg Ranch and Family Farms”, and most Divisions are gathering records. Enforcement Division is the lead for this FOIA. Superfund sent an information request letter to Hickman on May 30th asking for information on ammonia releases. ATSDR has been asked by Don’t Waste Arizona (Steve Brittle) and Save Tonopah Oppose Poultry Plan (STOPP) to conduct a public health assessment of ammonia emissions from the Tonopah and Arlington facilities. The Arlington School Board also sent a letter to ATSDR supporting the petition. ATSDR has been collecting information from ADEQ and others, but has not decided to pursue this investigation yet.

We are about to engage with the Ak-Chin Tribe on the sources on their lands that need some kind of permitting action. There is a Hickman facility on Ak-Chin so we will likely be issuing a permit to that Hickman facility in the future, and it might not be consistent with Maricopa County’s permitting action.

●■■■■■■■■ **Ag BMP Comment Letter** – On May 11, 2017, I sent a comment letter to ADEQ saying that certain aspects of the submitted revisions for the general permit and the Ag BMP Program appeared to relax the federal SIP, and ADEQ had not done a 110(l) analysis to support the submittal. The new rules incorporated animal operations into the general permit and regulated ag activities. The federally approved AG BMP program is focused on crop activities. We also suggested improvements to the rule. These rules are supposed to support the Pinal County PM-10 Plan, which, as we have discussed previously, is not effectively reducing emissions during the attainment years. ADEQ needs to submit a 110(l) analysis to support these rules before we can act on them.

We have put the AG BMP Program on the agenda for our August multi-agency meeting because only one person remains at ADEQ who has any experience with the Ag BMP Program. Nancy has put together a very nice summary sheet that shows the various pieces of the AG BMP

Program, and the regulatory status. ADEQ needs to see where they are before they can decide what they want to do. Based on my discussions with Tim, the official Governor's AG BMP Committee is in disarray. They have not had a meeting in quite a while.

●■■■■■■■■■ **Title VI Complaint** – We received the agreement between ADEQ and Maricopa County on the handling of portable sources, so we were able to send a resolution letter to Maricopa County on June 7, 2017, closing out the three Maricopa County complaints. ADEQ is asking where their letter is. OGC and OCR had committed to sending ADEQ a resolution letter within three weeks of receiving two remaining items - their public participation guidance and the Spanish translation of the civil rights policy. We received those two items on May 30th so the three weeks is up the week of June 19th. OCR has identified some additional changes they would like ADEQ to make (see below) . We think ADEQ will resist making these changes, except for the one obvious error. We have a call scheduled with ADEQ next Wednesday, June 21st, to let OCR try and convince ADEQ to make these changes (because they are not legally required changes), but we are pressing OCR for a resolution letter next week whether ADEQ makes the changes or not.

***The “Civil Rights”/ “Select Language” drop-down on your home web page.** What MCAQD has done on its web page is a good example of prominence and accessibility for both LEP and non-LEP individuals in order*

for them to get to the relevant civil rights information, including to the Notice of Nondiscrimination. <http://www.maricopa.gov/1244/Air-Quality> Can AZ DEQ do something similar on its home web page, i.e., move it

into a more prominent location on your page in English/Spanish?

●■■■■■■■■■ ***The “Submit a Civil Rights Complaint Form” download button on <http://azdeq.gov/CivilRights> produces a complaint form only in English, even if the language for the web page is changed to Spanish.***

●■■■■■■■■■ *The following document is on your civil rights web page: http://static.azdeq.gov/legal/nondiscrimination_policy.pdf How does this document relate to your Title VI compliance program? It seems to be related to internal EEO.*

The internal guidance for “Value Stream Managers” that you shared seems comprehensive. A couple of discussion points for our conversation.

●□□□□□□□□ Please clarify the reason for the “disclaimer” for “Translated Documents” and what it the meaning of the statement that communication in any other language than English is “unofficial”?

●□□□□□□□□ Please explain the reason for a reference to determining if 10% or more of stakeholders are LEP. How is the 10% figure arrived at? What is the impact if there is a determination that there are less than 10%?